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# HON. O. S. FERRY, OF CONN.,

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DELIVERED IN THE

HOUSE OF REPRESENTATIVES, JANUARY 24, 1861.

The House having under consideration the report from the select committee of thirty-three —

Mr. FERRY said:

Mr. SPEAKER: I recognize, to-day, but two parties in this country: the party of law and order, and the party of revolution; the party which would preserve the Federal Government, and the party which would destroy that Government; the unionists, and the disunionists. The rapid growth of the latter organization, which, emerging from the lurking-places of conspiracy a little more than two months ago, has in that short space of time become dominant in several of the States, and has led thousands of citizens into open rebellion against the Government, requires of us a careful scrutiny into the avowed reasons for so unnatural a revolt, and an impartial investigation of its origin, of the objects of its leaders, and of the results to which it tends. On the other hand, the absolute necessity which exists for the maintenance of social order, demands of us that we ascertain and adopt the most effective methods for the preservation of the social fabric. The consideration of the measures reported by the majority and minority of the committee, necessarily involves the inquiries which I have just indicated.

In the manifestoes published by the disunionists for their own justification, I find various circumstances assigned as furnishing sufficient reasons for rebellion. The first is that Abraham Lincoln and Hannibal Hamlin have been elected President and Vice President of the United States. Was there any violation of the Constitution, any infringement of the law, in the mode of accomplishing that result? None whatever. The result, then, is not, in itself, sufficient cause for disunion.

But it is said that Abraham Lincoln dislikes slavery, and is of opinion that it will ultimately disappear from the Republic. George Washington, the first President of the United States, held the same views. So did John Adams; so did Thomas Jefferson; so did James Madison; so did James Monroe. Clearly, then, this is not cause for disunion.

It is urged, however, that Mr. Lincoln thinks that slavery ought not to expand into free territory. So did President Jefferson, when he approved the act to enable the people of Ohio to form a State constitution with an express provision to prevent the expansion of slavery into the future State. So did President Madison, when he approved the act to enable the people of Indiana to form a State constitution with the same restrictions. So did President Monroe when, with his approval, the same conditions were imposed upon the admission of the State of Illinois. So did President Jackson, when he approved the act organizing the Territory of Wisconsin, including the present States of Wisconsin and Iowa, with an express prohibition of the existence of slavery therein. So did President Polk, when he signed the act "to establish the territorial government of Oregon," with the same wise prohibition imposed upon "the inhabitants and future States" of that Territory. How, then, can the opinions of President Lincoln upon this subject justify a dissolution of the Union?

But we are told that the number of the free States is increasing more rapidly than that of the slave States; that, in process of time, the former will compose three-fourths of all the members of the Union, and will then so amend the Constitution as to secure the abolition of slavery. What if liberty is outstripping slavery in the march of empire? Will you fetter the indomitable energies of freedom, till it shall limp and halt along at the slow pace of bondage? How can the free States acquire the apprehended preponderance? When all our territory is organized into States; when Kansas, Nebraska, Dacotah, Washington, Pike's Peak, New Mexico, Arizona, Utah, and the Indian reservation, shall be members of the Union, with constitutions such as Jefferson would approve, there will be but twenty-seven States against your fifteen, and you are already authorized to add to your number four more from Texas. Unless you extend our dominions by foreign acquisition, it is impossible, with the States that will be formed out of our present territory, to acquire the three-fourths requisite to amend the Constitution in this respect. This apprehension ceases, then, to be a cause for rebellion.

We are told, however, that the free States will not hesitate, when they are strong enough, to violate the Constitution. Such an argument is a simple insult: it is the bald pretense of a traitor seeking a cover for his treason. If it proves anything, it demonstrates that no concession that can be made will reach the root of the difficulty.

It is urged, finally, that the people of the northern States have enacted laws, which are termed personal liberty bills, and which interfere with the effective operation of the statute for the rendition of fugitives from service. I inquire into the fact, and I discover that in order to prevent abuse of process under the rendition act, which is so constructed as to be peculiarly liable to such abuse, the Legislatures of some of the northern States have thrown guards around the freedom of their people; but, with only two or three possible exceptions, without in any wise contravening the Constitution or the laws of the United States. My own State is arraigned. I look at her statute, and find an act, whose purpose seems to be to prevent abuse of process and the reduction of freemen to bondage, and which, in no degree, impairs the rights of claimants under the rendition law. I ask if any case has occurred, in any State, where a claimant has lost the services of a fugitive through the intervention of process under a personal liberty bill; and I learn that not a single instance of the kind has happened.

But, it is added that northern ministers preach, northern editors write, and northern orators speak against slavery to the people of the North; and that thus the northern mind has become so demoralized as to prefer freedom to bondage. Let, then, southern ministers, editors, and orators, come and answer those of the North; no mob shall tar and feather, hang or shoot them; if their efforts shall prove fruitless, the evils of free speech and a free press are beyond remedy.

I have now considered the avowed reasons for this rebellion; and, on a fair examination of them, I am constrained to say that they are utterly frivolous, and such as, in themselves, could never have moved the people of any State to sedition and revolt. The causes lie deeper; and I now proceed to unfold them.

Disunion, in its present shape, is of thirty years' growth, although, until the 6th of November last, it expanded in the dark. It may be traced to the workings of a single mind, disappointed of a cherished ambition—when John C. Calhoun lost the hope of being the successor of Andrew Jackson. Though destitute of the highest qualities of statesmanship, Mr. Calhoun had, nevertheless, the sagacity to perceive the yet unconscious strength of what has since been called "the slave power" in our complex system of government; how existing compactly in one section of the country, and embracing a pecuniary interest so vast that the mind is unable to grasp it, if its political capacities could be brought to act as a unit, in connection with either of the great parties in the other section, it would be potent to rule, and how, if severed from all parties, it might be able to ruin the Republic. All the years of his life, after the disappointment of his ambitious expectations, were spent in ceaseless and successful efforts to unite the slaveholding interest as a single combatant in the political arena. It was necessary, first of all, to defy the sentiment of the civilized world, and to overturn all the convictions of the people of the South, in order to establish among them the dogma that slavery, in itself, is right, a moral, social, and political good. He made the effort, and the result has been accomplished, while the nations have stood aghast as they listened to this new gospel of bondage proclaimed from the very temples of liberty. Fearful sacrifices have been made in the course of this revolution of opinion. It was a philosophical necessity that its success should overthrow the liberties of those who participated in it; and, in accordance with that necessity, freedom of speech, freedom of the press, and freedom of elections, the very elements of civil liberty, were, one after the other, given up. It was desirable, in the second place, to imbue the southern mind with theories of government by which reason might be made honorable and rebellion cease to be a crime. The mischievous heresy of secession was revived, and, after many years of denial and dispute, adopted as a fundamental axiom in southern politics.

To combine the elements of political power in the slaveholding States was a more difficult task. The genius, patriotism, and popularity of Mr. Clay, were the chief obstacles to be overcome. They were overcome in the presidential election of 1844; and the first act in the drama of disunion was accomplished by the annexation of Texas, under the immediate auspices of Mr. Calhoun. Additional strength was gained by the slaveholding interest in the General Government, and a vast territory acquired for the expected southern confederacy. The war with Mexico for the extension of that territory to the Rio Grande, and for still further acquisitions to the westward, was the second act. It accomplished both purposes; but the expected advantage to the slaveholding interest in the regions beyond the Rio Grande was frustrated by the genius of Clay and the firmness of Taylor. Enough, however, had been accomplished to hasten the purposes of the disunionists. They were to be found in both the political parties of that day. The time had arrived for concentrating their energies. They chose the Democratic party as their instrument; and between 1850 and 1852 the forces of disunion were gathered into that organization. In the latter year, the total destruction of the Whig party was accomplished. It was necessary, further, to break up the unity of the Democracy. There was one statute which was, more than any other, dear to the country. The Missouri compromise was second only to the Constitution in the affections of the people. A proposition for its repeal was suggested. The disunionists eagerly seized upon the project, and the outrage was consummated. Thousands of Democrats in the free States left their party ranks forever. A seeming indorsement of the legislation of 1854 was obtained by the union of the combined South with a few of the border northern



States, in the election of Mr. Buchanan. But it became evident that the young and vigorous party which had sprung into existence upon the repeal of the Missouri compromise—a party which combined all the best elements of the old political organizations of the North, and would have speedily taken a powerful position at the South but for the despotism which had destroyed all freedom of elections there—would be likely to succeed in 1860. A made-up case was smuggled into the Supreme Court, which proceeded to expound the Constitution in a manner that compelled every patriotic jurist in the land to blush for very shame. Slavery was made national by judicial construction; and that construction was enforced in the Federal territory at the point of the bayonet. The disunionists, meanwhile, had been busily at work. They had prepared a scheme of sedition and revolt, to be carried into effect in the event of the election of Colonel Fremont. That event having failed to occur, they now took complete possession of President Buchanan. A wild saturnalia followed, unsurpassed since the worst days of the worst emperors of Rome. Treason lurked in every department of the Government, and struck hands with grand and petty larceny for the accomplishment of its purposes. Everybody stole. Cabinet officers, clerks, custom-house officials, postmasters, reveled in theft. Even the restints of the Spartan law were not applied; for the criminals were never punished upon detection, but danced gaily off with their spoil, to plot rebellion against the Government which they had first robbed and then betrayed. Disunion was preparing for its consummation. The infamy of the Dred Scott decision had destroyed the confidence of the nation in the Supreme Court. The infamy of the Lecompton bill, and the boundless corruption which was everywhere revealing itself, had destroyed the confidence of the nation in the executive administration. The Republican party had, from the beginning, been mobbed and shot and strangled out of the Southern States. The same fate must be got ready for the Union portion of the Democratic party. The great political conventions, to make nominations for the Presidency, were coming on. That of the Democratic party was to be held in Charleston, the very hotbed of treason. The leaders of disunion contrived to be appointed delegates to it. They demanded the adoption of principles which no northern Democrat could sanction without betraying his constituency, defiling his own conscience, and dishonoring himself. As was expected and desired, the convention was broken into fragments. The Democrats who stood by the Union were driven to nominate a candidate from the northern section of the Republic, while the disunionists formed themselves into a compact party, prepared to sweep the Southern States. They followed a political canvass such as the country had never before witnessed. The action of the disunionists in the convention had insured the success of the Republican party. They had now four months before them, in which, under the pretence of opposing that result, they might inflame the popular mind up to the pitch of treason and dismemberment of the Union. No man in all the South, with here and there an exception along the northern borders, could open his lips in explanation of Republican principles. No man could defend them there without the certainty of a violent death. The disunionists thus had the field to themselves, so far as the accomplishment of their immediate purposes were concerned. The whole South was inundated with one foul, reeking deluge of falsehood. The objects, the principles, the very persons of Republicans were libelled, day by day, for four long months. Men who had sat in Congress with the Republican candidate for Vice President as fellow-Democrats, and who therefore knew the falsity of what they said, inflamed the worst passions of the southern mob by the assertion that Mr. Hamlin was a mulatto. "The poison of asps was under their lips; their tongues would set on fire the course of nature, and were themselves set on fire of hell." The loyal men of the South who perceived the tendency of events stood aghast at what was occurring around them. They could not deny these aspersions without being denounced as the apologists of abolition. The ignorant populace wondered, believed, were inflamed, and thus made fit for the designs of the conspirators. The election took place, and resulted as everybody knew it must do. Forthwith "the revolution was precipitated." While the minds of men were thus heated by passion engendered by misrepresentation, the issue was forced upon them in the seceding States, with no time allowed for reflection, and with an indecent haste that demonstrates both the insincerity and the incapacity of the managers.

What, now, are the objects of those who have led this movement to its present condition? I answer: in part, the complete overthrow of democratic institutions, and the establishment of an aristocratic, or even a monarchical government. The disciples of the Calhoun school have learned to distrust the people, to hate universal suffrage, and to believe in aristocracy. Among the leaders of disunion may be found the victims of disappointed ambition, who, in the reconstruction of society, seek opportunities of personal advancement; the bold and reckless, who look forward to scenes of adventure; the broken in fortune, who see the avenues to wealth opening to them; theorists, who fancy that their schemes will be realized; and martial spirits, who long for conquest and military glory. Behind all these stands the mob, just beginning to be conscious of its strength, and ready for any desperate enterprise. Loyal citizens are silenced by fear. Men of property either join the ranks of the insurgents, in hope of saving something from the wreck, or stand despairingly aloof, hopeless of the future. Let but the ties which bind the States to the Federal Government

be broken, and the leaders of the rebellion see glittering before them the prizes of a slave-holding empire, which, grasping Cuba with one hand, and Mexico with the other, shall distribute titles, fame, and fortune, to the foremost in the strife.

Such, in my opinion, is the real origin of the present revolt, and such are the motives which inspire its leaders. I do not say that all who are participating in the rebellion share these feelings. Thousands of honest men have been deceived by the promoters of revolution, and verily think that they are striking for endangered rights. And what is the result to which all this tends? The first thing which it proposes to accomplish is the dismemberment of the Republic; and this it claims the right to do, without the consent of the Federal Government or of the loyal States, but as an exercise of the plain constitutional powers of the disloyal States. The advocates of this dogma would hide the guilt of rebellion, and the blood and tears of revolution, under the soft-spoken phraseology of secession. They have dug the rotting bones of nullification out of its dishonored grave, and, clothing them with the mask and robes of a false legality, have endeavored to conceal from the world the grinning skeleton within. I shall not spend time in exposing the imposture. The Government of the United States is a delusion, the Union a sham, and the Constitution a lie, if secession be true. I can add nothing to the reasoning which has already been brought to bear upon it. Daniel Webster smote it with his Thor's hammer a generation since; and no man of this generation can add to the weight of that blow.

What results may be expected after the dismemberment of the Republic? The southern empire will seek to coalesce, and may for a time succeed; but it will find in the ambition of rival chiefs, in the conflict of rival interests, and in the pernicious example of successful rebellion, sources of discord more serious than ever prevailed in the old Union. Without diversity of industry, and with labor enslaved, aristocracy will continue to expand until the necessity of armies for defence, armies for attempted conquest, and forces to watch the first symptoms of insurrection, will superinduce a military despotism. The expansion now so much sought for, will not be obtained. Neither the Powers of the old world nor of the new will permit Mexico or Cuba to pass into the hands of the empire of the South. The slave trade will be reopened, at first clandestinely, at last openly. Taxation will fall with crushing weight upon the property interests. Thousands will fly from a country given over to destruction, to regions where liberty and social order will still prevail. The preponderance of the black over the white race will begin and will increase with fearful rapidity. I close my eyes in horror, and look no further, for the far horizon is growing lurid with the fires of St. Domingo.

Meanwhile, the United States of America remains among the foremost of the nations of the earth. Still belting the continent with its vast domain, possessed of an industry the most diversified of that of any people, retaining agricultural, commercial, manufacturing, and mining interests unsurpassed anywhere in extent and in capacity of development, bound together with iron bonds by the great highway of nations whose termini shall be the Atlantic and Pacific shores, and occupied by a people as free, as virtuous, as happy, and as contented as any on the globe—the grandeur of the Republic will remain unimpaired by the madness of those who have rejected its blessings. Over every sea the stars and stripes will still wave, not as “the ensign of one of the little North American Republics,” but as the flag of the United States, feared for the power whose symbol it is, honored by a thousand recollections, endeared by a thousand associations, and, perhaps, not less glorious in the sight of the civilized world when slavery shall have ceased to recognize that banner as its emblem.

It has been said, indeed, that the dismemberment which I have been considering is not the only one that may occur; and sundry gentlemen, whose homes are to the northward of Mason and Dixon's line, but whose principles would seem to have sprung from a more congenial southern soil, have expressed an anxiety to escape from a further union with New England. I do not wonder when such expressions fall from the lips of any one who, in this age of the world, and bred amid free institutions, has nevertheless consented to become the apologist of slavery. But, sir, what would this nation be without the New England influence which has permeated its whole life? Go out from her borders, and follow the parallels of latitude westward to the Pacific. Wherever along your pathway you find, mingled in their justest proportions, reverence for law and love of civil liberty; wherever you find the highest social order resting securely upon the broadest democracy; wherever industry is most prevalent, and reaps the most ample rewards; wherever villages cluster thickest, and churches most abound, and school houses stand most frequent; wherever Christianity assumes her purest form, and education is most widely disseminated, there, sir, everywhere there, you behold the foot-prints of New England. And at home, among her mountains and along her valleys, dwells to-day a people unsurpassed, in every thing that makes a nation great, by any people on this earth. Cast by accident upon a bleak and comparatively sterile region, they found themselves confronted by the hostile elements of nature, and defied and conquered them. They have turned the rocky hill-sides into smooth pasture fields, and the desolate swamps into fair meadows. They have chained the rushing rivers, and compelled them to drive the machinery of a thousand manufactories, whose product is borne by their commerce to the farthest regions of the globe. They



have dotted the land all over with villages, where the hum of industry never ceases except for the old New England Sabbath rest. Their government is the purest democracy the world ever saw; their social order as perfect as any that ever prevailed in human society. From every hill-top you can count the spires of many churches; in every hamlet the school-house, free to all, has its place. The people who dwell there are quiet, loyal, law-abiding men, pursuing their avocations in peace, and dreading commotion and civil strife. But the blood of the old Ironsides is in their veins, and in their minds the memories of Marston Moor mingle with those of Lexington and Bunker's Hill. The impulse which lies deepest in their hearts is not the miserable fiction misnamed Honor, but the living and eternal verity of Duty, at whose call they will, if need be, lay down the implements of peace, and walk as calmly up to the cannon's mouth as they now do to their daily toil. Sir, the United States of America cannot afford to lose New England, and the sons of New England, scattered all over the broad North and West, cannot sunder the tie which binds them to the hearth-stone of civil liberty on this western continent.

But I am wandering from my purpose. I have now considered the avowed reasons for this revolt, its real origin, the object of its authors, and the results to which it tends. It remains for me to ascertain, if I can, the most effective methods for its suppression. Great changes in the condition of affairs have occurred since the early sessions of the committee. When we first met, no State had attempted to withdraw from the Union; no Federal property had been seized and confiscated; no Federal forts captured; no rebel cannon fired upon the national flag. Six weeks ago, we might properly have discussed alleged grievances; it may now be appropriate that preliminary measures of a different character be taken. If I have correctly judged of the origin and character of this sedition, it may well be doubted whether there is no more need of the intervention of the judicial and executive departments—to which alone belong the trial and punishment of crimes—than of the legislature.

But the subject is before Congress, and we are asked to compromise. And to compromise what? Not questions of financial, commercial, or industrial policy, but our convictions of moral rectitude, our love of liberty, our reverence for duty. That is what constitutes the grave character of the issue now before us. In matters of revenue, in matters of finance, in all matters of mere expediency, concessions and compromises may safely enough be made; but I know of only one rule of civil conduct when moral duties are necessarily brought into the field of political action, and that rule is, to do right. To ingraft upon the Constitution an express recognition of property in man, and to pledge the power of this Government unalterably for the preservation and protection of that property in all the Federal Territories where slave labor can be profitably employed, would be, in my judgment, a monstrous iniquity, abhorred of God, and deserving the execration of the civilized world.

The gentleman from Virginia [Mr. MILLSON] reprobates the phrase "property in man," and, in the next breath, claims to have won a victory by the decision in the Dred Scott case, whose cardinal principle is the recognition of this very "property in man." I turn to the laws of his own State: I find there that a slave is a chattel personal; a thing to be sold at auction, to be devised by will, to descend by inheritance, to be bought and sold, to be levied upon in execution; and I am asked to consent that the Constitution of the United States shall be so changed—I will not say amended—as to go on unalterably forever, fostering, nourishing, and protecting this system in Territories which, by the organic law of a Spanish Republic, were to be always free. Such is the proposition of the venerable Senator from Kentucky, substantially reproduced in the resolution suggested by the gentleman from Louisiana. Sir, I cannot accede to it. The authority of that Senator is of no avail in a question of this character; and nothing that has occurred since my association with Congress, has filled me with such profound regret, as this last act of his long, useful and honorable public life.

Why, sir, do gentlemen think that the freemen of the North are all knaves and hypocrites, as well as cowards? For six years have the supporters of Mr. Douglas been denouncing this idea of protection to slave property in the Territories. Because their leader deserts them, do you expect that they, too, will repudiate the principles which have grown to be a part of their intellectual being? For six years have the supporters of Mr. Lincoln been striving to secure those Territories from the pernicious influences of the system of bondage. They have been doing this because they thought it best for the whole country that such a result should be attained; best for the Territories, best for posterity; they have been doing this because they thought that the extension of slavery by the national authority would bring down the vengeance of Heaven upon a guilty land; because they saw that wherever the institution was most powerful, civil liberty, whose elements, as I have before said, are freedom of speech, freedom of the press, and freedom of elections, could not exist. And in all this they have been exceedingly in earnest. They have won a great victory; they have elected a President of like political faith with themselves; and now you gravely ask them to turn their backs upon all their past professions, to renounce the principles by whose utterance they have obtained power, and to make themselves a mockery and a hissing to the whole civilized world, because the defeated party threatens a resort to arms! When they comply with that request, sir, the time will have come to level down Bunker's Hill.

The chairman of the select committee of this House has reported a series of measures, the first of which is a joint resolution for an amendment to the Constitution, of a somewhat different character. I will read it, as reported:

ART. XII. No amendment of this Constitution, having for its object any interference within the States with the relation between their citizens and those described in section second of the first article of the Constitution as "all other persons," shall originate with any State that does not recognize that relation within its own limits, or shall be valid without the assent of every one of the States composing the Union.

Is it possible to listen to these words without a feeling that we are ashamed of what we are doing? Observe the circumlocution, the awkwardness of construction, the involutions of meaning. What is it all for? Sir, it is because you are putting slavery into the Constitution beyond what the fathers did. Do you say that they, too, described bondage by a circumlocution? I answer, they did no such thing. They intended that their Constitution should contain no Federal recognition of slavery; and they went directly to the accomplishment of that intention by designating every human being in the land as a *person*. Why put this piece of patch-work upon the sober fabric of their construction?

I am told that it is only intended to prohibit a future amendment of the Constitution, having for its object any interference with slavery in the States; and then I am asked, do you wish to interfere with slavery in the States; or do you wish to amend the Constitution so as to accomplish that result? I do not; neither do I intend to establish a national bank, or initiate direct taxation; but I cannot see that it follows therefrom that I should amend the Constitution so as to forbid such enactments. Is there no other subject of concern in this Republic but slavery? Shall the organic law be liable to change in its bearing upon the great commercial, manufacturing, and agricultural interests, upon matters of peace and war, upon the relations of Government to the people; and yet we now erect slavery into the one great, overshadowing principle, which we purpose to declare, before God and man, shall be immutable and eternal? Slavery, which the fathers laid out of sight as an unholy thing, we drag from its decent concealment, and, placing it upon the pediment of the Constitution, take mutual oaths that there it shall stand forever. In doing this, we overthrow that equality of the States of which we have heard so much: for we deny to a majority of the members of the Union even the capacity of suggesting amendments upon so sacred a subject.

Sir, the Constitution of the United States needs no change in favor of slavery. I will stand by it as it is; I will accord to every interest all its rights; and I am amazed that the very parties who have been loudest in their lip-devotion to the fundamental law, should be the very first to demand its radical alteration. The existence in the southern States of groundless fears, engendered by willful falsehood, is no reason for a change in the Constitution. Every precedent of change is dangerous; doubly dangerous when occurring in times of high political excitement, or amid the turmoil of civil commotion, or offered to appease the wrath of armed rebels against all government and all social order. I shall not vote for the amendment.

The next proposition is "An act for the admission of New Mexico into the United States of America." When the preparation of this bill was first suggested in the committee, some weeks ago, I assented to it. When the bill itself was reported to the committee, I withheld my assent. Nearly every southern gentleman had repudiated it, and we were assured that, instead of being a measure of peace, it would add to the existing irritation. I am therefore left to decide whether, as an act of ordinary legislation, it ought to receive my support. I have, until very recently, believed that a fair convention of the people of that Territory would frame a constitution prohibiting the existence of slavery within the future State. But the report of the chairman of the committee proceeds entirely upon the supposition that New Mexico is of course to be a slave State; and his remarkable speech in the House, the other day, is of the same tenor. An extract from his report will exhibit my meaning:

"This Territory was organized in 1850. By its organic law the Territorial Legislature was authorized to enact laws and report them to Congress. It was provided in the same act that if Congress should disapprove the laws thus made they should be null and void.

"In the year 1859 the Territorial Legislature of New Mexico established slavery in that Territory. This law was disapproved at the last session of Congress by a vote of the House, but the Senate have not yet acted on the bill, and so the law of the Territory, not having been annulled by both Houses of Congress, remains in full force, and slavery now exists by law in New Mexico.

"It is further provided by the act of 1850 that New Mexico, when she is admitted into the Union, shall be admitted with or without slavery, as her constitution may ordain. The committee now propose to admit New Mexico into the Union as a State on an equal footing with the original States. By this course the faith of the nation pledged in the act of 1850 will be preserved, and the Territory lying south of the parallel of 36° 30' will be disposed of, and the subject matter of controversy removed from the jurisdiction of the Federal Government. Thus all claimed by the South will be obtained, while the northern portion of our remaining Territory will be subject to such law as the Constitution and Congress may furnish for its government.

"By this adjustment of the present territory of the Union, including the territory of all the States, it will be found that the area of the free States and Territories, including all north of the line 36° 30', contains 1,948,779 square miles, and a population of 19,036,739, making a population of about eleven and five tenths to the square mile.

"The area of the slaveholding States, including New Mexico, is 1,094,504 square miles, with a federal population of about nine and seven tenths to the square mile. By this arrangement of all the territory now possessed by the United States, when New Mexico is admitted, if admitted as a slave State, that possessed by the slaveholding States will be greater, in proportion to federal population, than that occupied by the non-slaveholding States and Territories. The committee are at a loss to conceive what more than this can be demanded or desired by the South."

The import of this language is unmistakable, and it indicates purposes which are wholly foreign to my settled convictions of duty. Mr. Speaker, we acquired this territory from Mexico. That Republic, feeble and distracted though she was, had yet had the wisdom to



prohibit the existence of bondage throughout all her possessions. It would be a great wrong and an undying disgrace for the Government of the United States, either by conquest or by purchase, to obtain free territory to be carved into slave States. The people intended, by the recent election, to be secure against the accomplishment of such purpose. The mode in which this measure is presented to us, seems calculated to frustrate that intention. It is true that no one, in voting for the bill, votes for the report; but the report, nevertheless, is justly received by the country as explaining the bill and foreshadowing its results. If those results should fail of accomplishment: if the constitutional convention should, after all, prohibit the existence of slavery, may not the South, with some reason, say that your scheme of conciliation was a juggle and a cheat, and fan the fires of revolution into a still wilder flame?

The objections to the bill, as a measure of ordinary legislation, are insuperable. I learn from very high authority that the people of New Mexico do not wish its passage; that they are a sparse population, scattered over an immense area, five times as large as the State of New York; that they are separated from communication with each other by waterless deserts and vast mountain ranges; that they are poor, and unable to bear the expense of a State government; and that they prefer, for the present, to remain under the fostering care of the Federal power. I learn, moreover, that the population of American origin does not amount to a thousand in numbers; that of the remainder, there are but three or four thousand freemen of unmixed Spanish descent, while the residue is made up of peons and Indians of more or less mixed blood. To compel such a people, so situated, to form a constitution and come into the Union, would be eminently unwise. I shall vote against the bill.

The committee have reported an amendment to the present law for the rendition of fugitives from service. The President, in his message, had emphatically condemned the statutes known as personal liberty bills, and had even declared that, without their repeal, "no human power could save the Union." It was very plain that the President had never read the laws of which he was speaking; but, so far as my own State is concerned, I have always been willing to repeal the particular statute alluded to, whenever the Federal Government should take away the evil which that statute was wisely enacted to guard against. I am happy to say that the bill reported by the committee will, in my judgment, accomplish that purpose. The act of 1850 was peculiarly liable to abuse of process of the worst description, even that whereby a freeman might be deprived of his liberty; against this evil a portion of the free States have legislated in the manner complained of. The present amendment, though not so perfect as I could have wished, does yet contain such provisions as to create a moral impossibility that any freeman can be reduced to bondage under its operation. The question is not, however, whether I would vote for it as an original proposition, but whether I will consent to the amelioration, so far, of the existing law. I shall cheerfully give it my support, and upon its passage by Congress, will join in the recommendation to the people of my State for the repeal of a statute whose longer continuance will have become unnecessary.

The committee has reported one other measure of specific legislation. It is as follows:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person charged, by indictment or other satisfactory evidence, in any State, with treason, felony, or other crime, committed within the jurisdiction of such State, who shall flee or shall have fled from justice and be found in another State, shall, on the demand of the executive authority of the State from which he fled upon the district judge of the United States of the district in which he may be found, be arrested and brought before such judge, who, on being satisfied that he is the person charged, and that he was within the jurisdiction of such State at the time such crime was committed, of which such charge shall be prima facie evidence, shall deliver him up to be removed to the State having jurisdiction of the crime; and if any question of law shall arise during such examination, it may be taken on exceptions by writ of error to the circuit court."*

There is no action of the committee which I more deeply regret than the report of this bill. I regard it as an attempt at flagrant usurpation by the Federal Government of powers that properly belong only to the States. By the theory of our system, the highest duty of the State authority is to protect the person of the citizen. The bill before the House strikes down the very capacity to perform that duty. Its legal effect is to suspend the writ of *habeas corpus* from the State judiciary in all cases of requisition for the surrender of alleged criminals; and to wrench from the State executive functions which have been exercised thereby for sixty-four years, in order to devolve those functions upon a Federal judge appointed by the President of the United States, and holding office for life. I believe its practical operation will be disastrous; for instead of the trifling differences which now exist between certain Governors, it tends to collision between the Federal and State authorities, which ought, if possible, to be carefully avoided.

Nor do I approve the object of the bill. It has been very generally held by the Governors, that no surrender should be made upon a requisition for the commission of an act which was not a crime by the laws of the State on whose executive the requisition was made. I believe that decision to be right. It is expected to reverse it by the judgment of the Federal courts as now constituted. The object for which the reversal is sought is, mainly, that requisitions upon indictments for what are called offences against slave property, and for the publication of such printed matter as the laws of certain States may denominate incendiary, shall be made effective by the surrender, through the Federal judges,



of the persons accused. Indictments have been found against citizens, who had never been in the jurisdiction where the crime was alleged to have been committed at all; the only presence therein being such as was derived, by construction, from the mailing by the accused of a newspaper in the State of New York to a friend or subscriber south of Mason and Dixon's line; and the bill, as far as possible, sanctions this infamous practice, by providing that the mere finding of the indictment shall be *prima facie* evidence before the Federal judge of the presence of the accused at the place where the crime is alleged to have been committed. Every man shall be presumed to be innocent till his guilt is proved, is the maxim of the common law; the bill reverses it squarely. I have nothing to say of the laws which the citizens of the slaveholding States may choose to make for the preservation of their system of society; but I must protest against the practical extension of those laws all over the Republic, through the intervention of the Federal courts.

Mr. Speaker, I have now stated very fully the course which I intend to pursue regarding the propositions submitted by the chairman of the committee. It remains for me to consider what ought to be done for the preservation of the Republic. It is a question involving, at this hour, terrible responsibilities. Good men, brave men, wise men, may well hesitate and doubt. But, sir, there is a principle which will guide us safely in the darkest hour. It is simply to do right. The one great revelation of history, which, above all others, exhibits its awful presence amid the changes of rising and of falling nations, is, that God governs in the affairs of men, and that the people who deliberately trample upon His eternal law cannot prosper. It is because I have learned this, that I dare not make another compromise with slavery. And why should we compromise? The people have elected a President of signal integrity, and holding just and constitutional opinions. Forthwith armed rebellion springs up all along the Gulf, and with sabre brandished in our faces, and bayonet pointed at our breasts, demands compromise. Other States, catching the infection, threaten to join the insurgent ranks unless we compromise. Compromise what, sir? Not a petition for redress of grievances has been laid upon our table, but the soft appliances that are brought to bear upon this great Government are drilled troops and loaded cannon.

The venerable Senator from Rhode Island remarked in his place the other day: "I am afraid to compromise, lest I demoralize the Government." I share in that fear. Suppose we yield; sacrifice the moral convictions of the North, and the revolting States return to their allegiance: the tariff bill of the gentleman from Vermont is taken from the table of the Senate and passed; forthwith the host of sedition are rallied, secession again raises its hideous front, and amid the clangor of arms sounding from the Gulf, the industrial interests of the nation are immolated upon the altars of treason. Will Pennsylvania stand halting and trembling then? After peace has been restored by the new surrender, the homestead bill is reached upon the Calendar of the Senate, guns roar from Fort Moultrie, bayonets bristle at Pensacola, batteries are planted on the banks of the Mississippi, and amid shouts of "compromise" the Government yields once more, and the free emigrant of every section is sacrificed to the plantation. On which side will the Northwest be then?

A compromise now is but the establishment of sedition as an elementary principle in our system. Let the slaveholding States renounce their mischievous heresy of secession; let them return to their allegiance: let them propose, as the only useful amendment to the Constitution, an express provision therein that no State shall withdraw from the Union without the consent of all its members; let them then make known, in the respectful manner, due to every Government, what are their desires; and I have no doubt that ample security will be given for all their rights and even interests. But so long as open rebellion on the one hand, and threatened rebellion on the other, are the means of redress relied on, there is no course left for the Government but the vindication of its dignity by an exhibition of its strength. Sir, there never was so wicked a rebellion since the angels revolted as that which now threatens to devastate this fair land. A country such as God never before gave to any people; a Constitution the envy and the admiration of the world; a freedom combined in such just measure with civil order as no other nation was ever blessed withal; a past full of glorious recollections; a present wherein plenty is pouring her richest bounty into the lap of peace; a future glowing with immortal hopes: these, all these, are to be thrown away, and the hell-fires of civil war to be kindled up, that a Toombs may be lord of the ascendant in Georgia, or a Rhett realize his visions of ambition in South Carolina. Others may do as they choose; I, for one, dare not compound with a treason so full of unnatural guilt.





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